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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/042,524

01/09/2002

David Thomas Britton

R & G Case 333

6976

7590

06/11/2004

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EXAMINER

MILLER, JONATHAN R

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,524

Applicant(s)

BRITTON ET AL.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-17, 19-28 and 41-43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 15-17, 19-28 and 41-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 6, 8 – 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth et al. With regards to claim 1, the reference discloses an apparatus for sorting a plurality of substantially flat items for delivery to a plurality of recipients (col. 1, lines 5+), the apparatus comprising: means for receiving items to be sorted (col. 3, lines 28+), a destination recipient address being associated with each item (col. 3, lines 33+); a plurality of sorting bins into which items to be sorted are to be deposited (88, 188); guide means (24), coupled to the means for receiving items and the sorting bins, for directing received items to the plurality of sorting bins; means for inputting data relating to the plurality of items (col. 1, lines 37+), the data including at least each destination recipient address; means for inputting data defining a pre-determined sequence of candidate recipient addresses to which the items ultimately be delivered; a control unit (16) for receiving the data relating to the plurality of the items and the data defining the pre-determined sequence of recipient addresses, for allocating one or more sorting bins to recipient addresses in the sequence in dependence on the data relating to the items, the number of sorting bins that are allocated to a recipient address being sufficient to accommodate all items that are

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associated with that destination recipient address col. 5, lines 44+), and for controlling the guide means to direct the items to the one or more sorting bins so allocated (col. 6, lines 1+), and wherein the control unit only operates the guide means to direct the received items to the respective sorting bins once it has received the data for the entire plurality of items to be sorted and can allocate sufficient sorting bins appropriately (col. 5, lines 38+).

3. With regards to claim 2, the reference further discloses the control unit allocates the sorting bins such that only those candidate recipient addresses to which items are to be delivered are allocated one or more sorting bins (col. 5, lines 38+).

4. With regards to claim 3, the reference further discloses the control unit allocates the sorting bins such that candidate recipient addresses that are adjacent in the sequence are allocated adjacent sorting bins (col. 4, lines 15+).

5. With regards to claim 5, the reference further discloses the means for inputting data relating to the items has a terminal at a site remote from the means for receiving the items to be sorted, the guide means and the sorting bins; the terminal being connected by a network to the control means, such that if the items to be sorted are initially received at the remote site, the data relating to the items can be collected and transmitted to the control unit before the items themselves are delivered to the means for receiving items for sorting into the sorting bins (Fig. 1).

6. With regards to claim 6, the reference further discloses the items to be sorted are items of mail, and in which the data defining the sequence in which the items to be sorted comprises the order in which a mail deliverer completes his route (col. 6, lines 20+).

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7. With regards to claim 8, the reference further discloses a method of sorting a plurality of substantially flat items for delivery to a plurality of recipients, the method comprising: providing a plurality of sorting bins into which items to be sorted are to be deposited; receiving items to be sorted, a destination recipient address being associated with each item; receiving data relating to the plurality of items, the data including at least each destination recipient address; receiving data defining a pre-determined sequence candidate recipient addresses to which the items will ultimately be delivered; allocating, once all of the data relating to the plurality of items to be sorted has been received, one or more sorting bins to recipient addresses in the sequence in dependence on the data relating to the plurality of the items, the number of sorting bins that are allocated to a recipient address being sufficient to accommodate all items that are associated with that destination recipient address; directing, once the sorting bins have been allocated to the recipient addresses, the items to the one or more sorting bins allocated to the recipient address corresponding to the destination recipient address of the item (col. 3, lines 21+).

8. With regards to claim 9, the reference further discloses only those candidate recipient addresses to which items are to be delivered are allocated one or more sorting bins (col. 5, lines 38+).

9. With regards to claim 10, the reference further discloses sorting bins are allocated such that candidate recipient addresses that are adjacent in the sequence are allocated adjacent sorting bins (col. 4, lines 15+).

10. With regards to claim 11, the reference further discloses receiving the items to be sorted at a site remote to the sorting bins; collecting data relating to the items at the remote site, the data including at least recipient address information; and transmitting the data from the remote site to

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the site at which the sorting bins are located, before the items to be sorted are delivered to that site so that the data can be used to allocate the sorting bins advance (Fig. 1).

11. With regards to claim 13, the reference further discloses the items to be sorted are items of mail, and in which the data defining the sequence in which the items to be sorted comprises the order in which a mail deliverer completes his route (col. 6, lines 20+).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. in view of Lohmann. With regards to claim 4, Roth et al. discloses the control unit uses this data to allocate one or more sorting bins to a recipient address such that all items of mail to be delivered to that recipient address can be deposited in the one or more sorting bins so allocated. Roth et al. fails to disclose the data relating to the plurality of items includes data describing the dimensions of each item. Lohmann discloses the data relating to the plurality of items includes data describing the dimensions of each item. At the time of the invention it would have been obvious to one of ordinary skill in the art to utilize the dimension data acquisition to more efficiently fill the bins (see Lohmann col. 1, lines 10+). Roth et al. and Lohmann are analogous art because they are from the same field of endeavor: mail sorting methods and systems.

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14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. in view of Wiley. Roth et al. fails to disclose each sorting bin further comprises indication means controlled by the control unit, wherein entering data pertaining to an item to be sorted into the means for inputting data causes the control unit to activate the indication means for the allocated sorting bin allowing an operator to manually place the item into the sorting bin. Wiley discloses each sorting bin further comprises indication means controlled by the control unit, wherein entering data pertaining to an item to be sorted into the means for inputting data causes the control unit to activate the indication means for the allocated sorting bin allowing an operator to manually place the item into the sorting bin col. 1, lines 25+). At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize the indication lamps to assist in manual separation. In addition to being taught by Wiley, the indication lamps are very well known in the art of mail sorting. Roth et al. and Wiley are analogous art because they are both from the same field of endeavor: mail sorting methods and systems.

*Allowable Subject Matter*

15. Claims 15 – 17, 19 – 28, 41 – 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778.

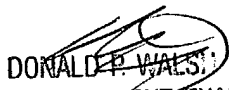
The examiner can normally be reached on M-F: 8:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrm

  
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